

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

AMERICAN ASSOCIATION OF	§	
ANCILLARY BENEFITS	§	
	§	CIVIL NO. 4:24-CV-783-SDJ
v.	§	
	§	
XAVIER BECERRA, ET AL.	§	

**ORDER**


Plaintiff American Association of Ancillary Benefits (“AAAB”) has sued several federal agencies, collectively referenced herein as the “Government Defendants,” challenging the validity of Rule CMS-9904-F (89 Fed. Reg. 23338 (April 3, 2024)).<sup>1</sup> In their Response in Opposition to Plaintiff’s Motion for Preliminary Injunction, (Dkt. #19), the Government Defendants indicated their intention to file a motion to dismiss under Federal Rule of Civil Procedure 12(b). Today the Court held a hearing on AAAB’s preliminary-injunction motion. At the hearing the Government Defendants confirmed that they could submit their dismissal motion on an expedited timeline and AAAB confirmed that it could respond to the motion under a similar deadline.

It is therefore **ORDERED** that the Government Defendants shall file their Rule 12(b) dismissal motion by no later than **October 2, 2024**. It is further **ORDERED** that AAAB shall file its response to the Government Defendants’ Rule 12(b) dismissal motion by no later than **October 9, 2024**.

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<sup>1</sup> AAAB has sued Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services; Julie Su, in her official capacity as acting United States Secretary of Labor; and Janet Yellen, in her official capacity as Secretary of the United States Department of the Treasury.

**So ORDERED and SIGNED this 20th day of September, 2024.**



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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE